

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PEDRO E. SANTIAGO,

Petitioner

V.

STATE OF MAINE,

Respondent

No. 1:12-cv-00339-GZS

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on May 13, 2013, her Recommended Decision (ECF No. 12). Petitioner filed his Objection to the Recommended Decision (ECF No. 14) on May 31, 2013.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that the Respondent's Motion to Dismiss (ECF No. 5) is **GRANTED WITH PREJUDICE**.
3. It is hereby **ORDERED** that no certificate of appealability shall issue in the event Petitioner files a Notice of Appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c).

/s/George Z. Singal

U.S. District Judge

Dated this 4th day of June, 2013.